

LSK&D #: 609-0007 / 4832-8030-3586

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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KRYSTAL AUSTIN and DEVERELL ANTHONY  
AUSTIN,

**Docket No.:**

Plaintiff(s),

**PETITION OF REMOVAL**

-against-

NATIONAL FREIGHT, INC. and CALEB  
ROMANOWSKI,

Defendant(s).

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The petition of removal of defendants, NATIONAL FREIGHT, INC. and CALEB ROMANOWSKI,, by their attorneys, LESTER SCHWAB KATZ & DWYER, LLP state:

1. On or about January 14, 2021, a civil action was commenced by the plaintiffs against the defendants in New York State Supreme Court, Queens County, under Index Number 700948/2021, entitled *Krystal Austin and Deverell Austin v. National Freight, Inc. and Caleb Romanowski*, by filing a Summons and Complaint. Exhibit A.

2. Defendants filed an Answer to the Complaint on March 12, 2021. Exhibit B. No other orders or pleadings have been filed in the action.

3. Although the citizenship of the parties is completely diverse under 28 U.S.C. section 1332(a) as stated below, and the defendants are not citizens of the State of New York, the action was not removable pursuant to 28 U.S.C. section 1441 *et seq.*, upon commencement because the complaint did not demand a specific amount for damages, consistent with C.P.L.R. 3017(c).

4. Upon information and belief, plaintiff, Krystal Austin, at the time this action was commenced and is now a citizen of the State of New York residing at 253-18 Francis Lewis Boulevard, Rosedale, New York 11422. Exhibits A and C.

5. Upon information and belief, plaintiff, Deverell Austin, at the time this action was commenced and is now a citizen of the State of New York residing at 253-18 Francis Lewis Boulevard, Rosedale, New York 11422. Exhibit C.

6. Defendant, National Freight, Inc., is a corporation formed in the State of New Jersey, and having its principal place of business located at 2 Cooper Street, Camden, New Jersey 08102.

7. Defendant, Caleb Romanowski, at the time this action was commenced and is now a citizen of the State of Pennsylvania, residing at 50 North Landon Avenue, Kingston, Pennsylvania 18704.

8. This case became removable when plaintiffs emailed the insurance carrier on March 3, 2021 demanding damages in then amount of \$87,500 for plaintiff Krystal Austin and \$105,000 for plaintiff Deverell Austin. Exhibit D. This petition for removal is timely because it is filed within thirty days of receipt of said damages demands and less than one year has elapsed since the action was commenced, consistent with 28 U.S.C. section 1446(c)(1).

9. The action is, accordingly, removed to this Court.

Dated: New York, New York  
March 24, 2021

Yours, etc.

LESTER SCHWAB KATZ & DWYER, LLP

*Robyn J. Leader*

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